

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2021

CORAM

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No. 9346 of 2021

Dharmalingam

... Petitioner/sole accused

Vs.

State by,
The Inspector of Police,
PEW Police Station,
Gopichettypalayam,
Erode District.
(Crime No.627 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail, in the event of his arrest in Crime No.627 of 2021, on the file of the respondent police.

For Petitioner : Mr.B.Kumarasamy

For Respondent : Mr.J.C.Durairaj
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 4(a)(aaa) r/w 4(1-A) of TNP Act (Transport), in Crime No.627 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner would submit that a false complaint has been given against the petitioner and he has not connected with the crime as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

3.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on 08.05.2021, when the respondent police was checking vehicles, at Kadathur Check Post, opposite to Kodivery Pallivaikal, the accused was driving Maruti Suzuki Swift Car bearing registration No.TN 36A6363 and on seeing police, the accused had escaped from the spot. Thereafter, respondent police had seized the car and on search they found 180 ML Royal Accord Brandy - 48 bottles, 180 ML MGM Gold, Diamond Rum - 48 Bottles, 650 ML Tubro Beer - 60 bottles and 375 ML Honey Bee Brandy - 72 Bottles, totally 516 bottles for illegal sale during the lock down period. Hence, he would vehemently oppose to grant of anticipatory bail to the petitioner.

4.This Court considered the submissions made by the learned counsel for the parties concerned and also perused the FIR.

5.The Supreme Court has laid down the law regarding grant of anticipatory bail in the case of Gurbaksh Singh Vs. State (AIR 1980 SC 1632) and considering the fact that the custodial interrogation of the petitioner is not necessary and the fact that there is no apprehension that the petitioner may abscond, the petitioner is granted anticipatory bail in the event of his arrest or on his appearance, before the learned Judicial Magistrate No.2, Gopi., on condition that the petitioner shall execute his own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the respondent police or to the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten thousand only) to the Chief Minister Covid-19 Relief Fund within a period of four weeks from today;

[b] the petitioner shall make himself available for interrogation by the police officer as and when required;

[c] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the petitioner shall not leave India without the previous permission of the Court;

[e] the petitioner shall appear before the Court below, whenever required.

[f] the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his/her identity.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[i] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE, NO.2, GOPI.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEW POLICE STATION,
GOPICHETTYPALAYAM,
ERODE DISTRICT.

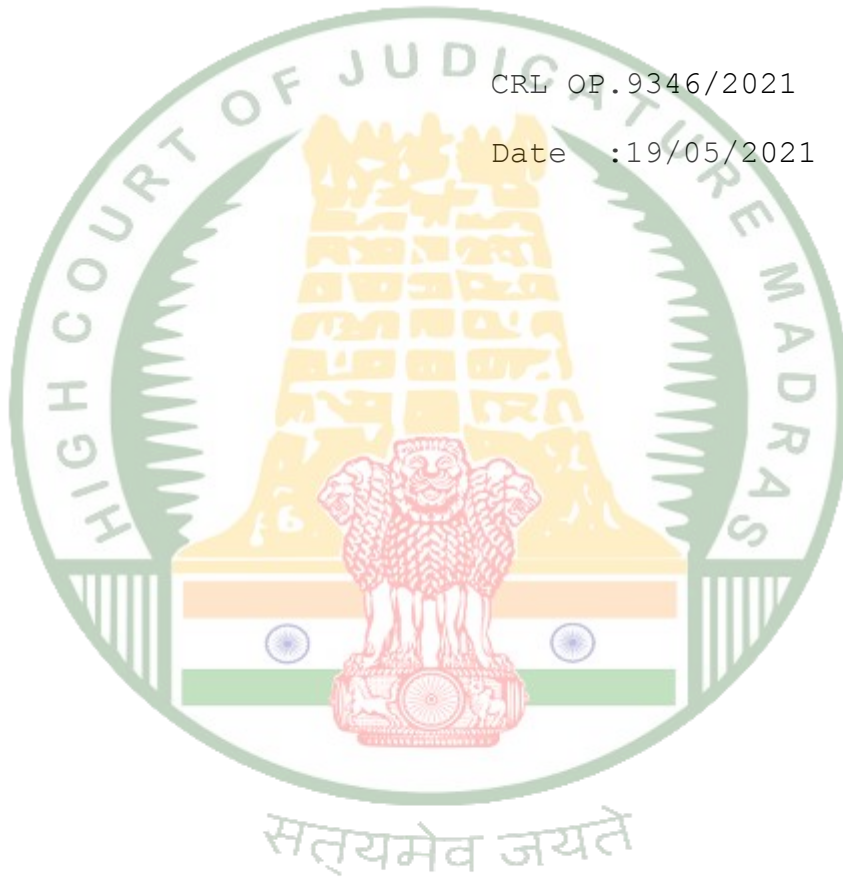
5 THE CHIEF MINISTER COVID-19 RELIEF FUND,
TAMIL NADU.

CC to M/S.B.KUMARASAMY Advocate on payment of necessary charges

CRL OP.9346/2021

Date :19/05/2021

cs 06/07/2021



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